

1.1 Senator moves to amend S.F. No. 4726 as follows:

1.2 Page 31, after line 12, insert:

1.3 "Sec. 24. Minnesota Statutes 2022, section 253D.27, subdivision 2, is amended to read:

1.4 Subd. 2. **Filing.** A petition for a reduction in custody or an appeal of a revocation of
1.5 provisional discharge may be filed by either the committed person or with the consent of
1.6 the chief executive officer of direct care and treatment, the commissioner of human services,
1.7 and the commissioner of public safety by the executive director and must be filed with and
1.8 considered by a panel of the special review board authorized under section 253B.18,
1.9 subdivision 4c. A committed person may not petition the special review board any sooner
1.10 than six months following either:

1.11 (1) the entry of judgment in the district court of the order for commitment issued under
1.12 section 253D.07, subdivision 5, or upon the exhaustion of all related appeal rights in state
1.13 court relating to that order, whichever is later; or

1.14 (2) any recommendation of the special review board or order of the judicial appeal panel,
1.15 or upon the exhaustion of all appeal rights in state court, whichever is later. The executive
1.16 director may petition at any time. The special review board proceedings are not contested
1.17 cases as defined in chapter 14.

1.18 Sec. 25. Minnesota Statutes 2022, section 253D.28, subdivision 1, is amended to read:

1.19 Subdivision 1. **Rehearing and reconsideration.** (a) A person committed as a sexually
1.20 dangerous person or a person with a sexual psychopathic personality under this chapter, or
1.21 committed as both mentally ill and dangerous to the public under section 253B.18 and as
1.22 a sexually dangerous person or a person with a sexual psychopathic personality under this
1.23 chapter; the county attorney of the county from which the person was committed or the
1.24 county of financial responsibility; or the commissioner may petition the judicial appeal
1.25 panel established under section 253B.19, subdivision 1, for a rehearing and reconsideration
1.26 of a recommendation of the special review board under section 253D.27.

1.27 (b) The petition must be filed with the supreme court within 30 days after the
1.28 recommendation is mailed by the commissioner as required in section 253D.27, subdivision
1.29 4. The hearing must be held within 180 days of the filing of the petition unless an extension
1.30 is granted for good cause.

(c) If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall ~~either issue an order adopting the recommendations of the special review board or~~ set the matter on for a hearing pursuant to this section.

Sec. 26. Minnesota Statutes 2022, section 253D.29, subdivision 3, is amended to read:

Subd. 3. **Revocation.** (a) The executive director must revoke a transfer made pursuant to subdivision 1 and require a committed person to return to a secure treatment facility if directed to do so in a written order signed by the chief executive officer of direct care and treatment, and commissioner of human services, and the commission of public safety. The executive director may revoke a transfer made pursuant to subdivision 1 and require a committed person to return to a secure treatment facility if:

(1) remaining in a nonsecure setting will not provide a reasonable degree of safety to the committed person or others; or

(2) the committed person has regressed in clinical progress so that the facility to which the committed person was transferred is no longer sufficient to meet the committed person's needs.

(b) Upon the revocation of the transfer, the committed person shall be immediately returned to a secure treatment facility. A report documenting reasons for revocation shall be issued by the executive director within seven days after the committed person is returned to the secure treatment facility. Advance notice to the committed person of the revocation is not required.

(c) The committed person must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a committed person under this section. The revocation report shall be served upon the committed person and the committed person's counsel. The report shall outline the specific reasons for the revocation including, but not limited to, the specific facts upon which the revocation is based.

(d) If a committed person's transfer is revoked, the committed person may re-petition for transfer according to section 253D.27.

(e) Any committed person aggrieved by a transfer revocation decision may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and, after considering the factors in subdivision 1, paragraph (b), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The

3.1 special review board may also recommend a new transfer out of a secure facility at the time
3.2 of the revocation hearing.

3.3 Sec. 27. Minnesota Statutes 2022, section 253D.30, subdivision 5, is amended to read:

3.4 Subd. 5. **Revocation.** (a) The executive director must revoke a provisional discharge
3.5 if directed to do so in a written order signed by the chief executive officer of direct care and
3.6 treatment, and commissioner of human services, and the commission of public safety. The
3.7 executive director may revoke a provisional discharge if either of the following grounds
3.8 exist:

3.9 (1) the committed person has departed from the conditions of the provisional discharge
3.10 plan; or

3.11 (2) the committed person is exhibiting behavior which may be dangerous to self or
3.12 others.

3.13 (b) The executive director may revoke the provisional discharge and, either orally or in
3.14 writing, order that the committed person be immediately returned to a Minnesota Sex
3.15 Offender Program treatment facility. A report documenting reasons for revocation shall be
3.16 issued by the executive director within seven days after the committed person is returned
3.17 to the treatment facility. Advance notice to the committed person of the revocation is not
3.18 required.

3.19 (c) The committed person must be provided a copy of the revocation report and informed,
3.20 orally and in writing, of the rights of a committed person under this section. The revocation
3.21 report shall be served upon the committed person, the committed person's counsel, and the
3.22 county attorneys of the county of commitment and the county of financial responsibility.
3.23 The report shall outline the specific reasons for the revocation, including but not limited to
3.24 the specific facts upon which the revocation is based.

3.25 (d) An individual who is revoked from provisional discharge must successfully re-petition
3.26 the special review board and judicial appeal panel prior to being placed back on provisional
3.27 discharge.

3.28 Sec. 28. Minnesota Statutes 2022, section 253D.31, is amended to read:

3.29 **253D.31 DISCHARGE.**

3.30 A person who is committed as a sexually dangerous person or a person with a sexual
3.31 psychopathic personality shall not be discharged unless it appears to the satisfaction of the
3.32 judicial appeal panel, after a hearing and recommendation by the chief executive officer of

4.1 direct care and treatment, the commissioner of human services, the commissioner of public
4.2 safety, and a majority of the special review board, that the committed person is capable of
4.3 making an acceptable adjustment to open society, is no longer dangerous to the public, and
4.4 is no longer in need of treatment and supervision.

4.5 In determining whether a discharge shall be recommended, the special review board and
4.6 judicial appeal panel shall consider whether specific conditions exist to provide a reasonable
4.7 degree of protection to the public and to assist the committed person in adjusting to the
4.8 community. If the desired conditions do not exist, the discharge shall not be granted."

4.9 Renumber the sections in sequence and correct the internal references

4.10 Amend the title accordingly